

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 2/15/2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
BOARD OF MANAGER OF THE 243 WEST 98	:	
CONDOMINIUM,	:	
	:	
Plaintiff,	:	21-CV-518 (VEC)
	:	
-against-	:	<u>ORDER</u>
	:	
JULIE ANN GOLDBERG, JOHN DOE #1 TO	:	
JOHN DOE #20	:	
	:	
Defendants.	:	
-----X		

VALERIE CAPRONI, United States District Judge:

WHEREAS on July 31, 2020, Plaintiff initiated this case by filing a complaint in New York State Supreme Court (Dkt. 3-1);

WHEREAS on January 22, 2021, Defendant filed a notice of removal, dated January 21, 2021 (Dkt. 3);

WHEREAS a notice of removal must be filed “within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within 30 days after the service of summons upon the defendant if such initial pleading has then been filed in court and is not required to be served on the defendant, whichever period is shorter.” 28 U.S.C. § 1446(b)(1);

WHEREAS more than 30 days passed since Defendant received a copy of the initial pleading in this case;

WHEREAS on January 22, 2021, the Court ordered Defendant to show cause why this case should not be remanded to New York State Supreme Court (Dkt. 4);

WHEREAS on February 5, 2021, Defendant filed a letter arguing that her removal was timely because (i) Plaintiff stipulated to extend Defendant’s time to remove the case by agreeing

to extend her time to answer the complaint and (ii) Defendant's time to remove was stayed until New York State Supreme Court exercised personal jurisdiction over Defendant (Dkt. 8);


WHEREAS on February 12, 2021, Plaintiff opposed Defendant's arguments as both factually inaccurate and legally incorrect and moved for attorney's fees incurred in connection with the removal (Dkt. 9);

WHEREAS the Court is inclined to agree with Plaintiff that the removal was not timely and that the Defendant's arguments are frivolous;

IT IS HEREBY ORDERED: No later than **February 22, 2021**, Defendant is directed to respond to: (i) Plaintiff's request for attorneys' fees and (ii) the amount of attorneys' fees requested.

SO ORDERED.

Date: February 15, 2021
New York, New York



VALERIE CAPRONI
United States District Judge